

DATE 9/19/16

PERMIT # _____

ITASCA COUNTY CONDITIONAL USE APPLICATION
USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS

APPLICANT/ADDRESS Chad Schumacher | 538 4th St SE Deer River 56631

AGENT/ADDRESS _____

PROPERTY ADDRESS 43532 Deer Point Rd., Deer River, MN 56636

PROPERTY DESCRIPTION/PARCEL # 16.53 acres / Parcel #'s 11-009-4203 & 11-009-4100
part of Lot 2 + part of NE SE, S. 9, Deer River Twp. 56-27

ZONE DISTRICT Farm Residential LAKE NAME/CLASS _____ EX. USE Seasonal
(indoor)

DESCRIPTION OF PROPOSED USE Storage building used for overflow of our
personal items plus storage for others boats & campers for a fee
(up to 30)

ATTACH A MAP SHOWING PROPERTY LOCATION, EXISTING CONDITIONS, PROPOSED DEVELOPMENT, AND NEARYBY USES, INCLUDING ANY OTHER INFORMATION THAT IS PERTINENT TO THIS REQUEST.

MANDATORY LAKESHORE MITIGATION PRACTICES: *(To be included with the C/U application)*

1/A A. Septic System: Certified _____; Shall be Upgraded _____ with Permit/Design obtained by: _____
Certification of New Septic System by: _____;

1/A B. Erosion control, storm water management, and mitigation plan. This plan shall describe erosion control during/after construction, storm water management/runoff control and mitigation/buffer screening. The mitigation plan shall require a shoreline buffer which shall be in the shore impact zone and consist of trees, shrubs and ground cover of native plants and understory to effectively screen structure(s) as viewed from the waters. This may be accomplished by working with Itasca SWCD or other sources but said plan must be reviewed by Itasca SWCD. The required buffer shall be as follows:

Lake Class	Buffer (Distance from OHWL landward)
GD	10'
RD	15'
NE & PSL	50'

Plant materials for native vegetation buffers shall be as prescribed according to the landscape position, water table, soil type and exposure of the project site. For every 5,000 square feet of buffer are, there shall be a variety of types of native trees, shrubs, forbs, and grasses planted to achieve full coverage. The survival of planting materials must be maintained for a minimum of five years, so that the approved coverage plan is adhered to.

SITE INSPECTION. The applicant acknowledges that no one can be prohibited from coming onto the property when the site is inspected by the Planning Commission or County Board. Photographs may be taken at the site inspection and displayed at the public hearing for use in the decision making process.

Unless otherwise stipulated, a conditional use permit shall remain in effect for so long as all conditions agreed upon are observed. Legal action may result if the provisions and conditions are not complied with as set forth in the application. Upon approval of this conditional use, it shall be the responsibility of the applicant to notify the Environmental Services Department, upon completion of the project, including any conditions. The property may be inspected at any time to assure and affirm all conditions and terms of the permit are in compliance.

SIGNATURE/DATE: Marge Schumacher 9/21/16

PCBA 01
C: PCBA, CB

On 9/22/16, the Environmental Services Department received the completed application, accompanying information and the fee is paid in full. A copy of the information handout has been given to the applicant/agent.

THE APPLICANT HAS THE BURDEN OF DEMONSTRATING A RIGHT TO A CONDITIONAL USE BY SHOWING [DETAILED EXPLANATION] THAT ALL OF THE FOLLOWING STANDARDS AND CRITERIA WILL BE SATISFIED.

1. Describe how the proposed use conforms to the comprehensive plan of the County. Allows use of parcel in a manner consistent with Local - use of Land & building for internal storage the same as neighboring properties. Encourages sensible use of property consistent with existing uses in area.
2. Describe how the use is compatible with the existing neighborhood. Largely vacant rural area, adjacent to existing farmstead with large buildings. All adjacent landowners have large storage buildings on their property.
3. Describe how the use shall not materially adversely impact air quality, water quality or cause soil disturbance. The use will have no impact on these issues. Cold Storage only.
4. Describe how the site has sufficient access for ingress and egress and is adequate for water supply and sewage treatment. The site has a dedicated easement with road in place. Will have no water or sewage systems.
5. Describe how the use shall not cause unsafe or unhealthy conditions. All inside storage, locked building - will have no impact on adjacent area with minimal seasonal traffic.

PERMIT APPROVAL: In accordance with MS#15.99, Itasca County must approve or deny the variance application within 60 days of submission of the completed application/fee. If said application is denied, the reason/s must be stated in writing at the time of denial. This time line may be extended by Itasca County for another 60 days provided the applicant/s receive written notice with reasons for the extension. The extension may not exceed 60 days unless approved by the applicant. The 60 days will end on: 11/21/16.

On _____ Planning Commission/BoA authorized an extension for the following reasons with an expiration date of:

Authorizing Signature and Date: _____

On _____ the applicants hereby waive the time frame requirements set forth in MS#15.99:

Witness: _____

Signatures

PCBA C/1a

C5 PCBA, CB Conditional Use Application - Uses Not Provided for Within Zoning Districts

RECOMMENDATIONS

TOWN BOARD OF _____
OR
UNORGANIZED TOWNSHIP

APPROVAL
AMEND
REJECTION

CHAIR _____
DATE _____
COMMISSIONER _____

REASONS: _____

When a land use in any zoning district is not specifically listed as a Permitted Use or Conditional Use, the land use may be considered as a Conditional Use. The applicant shall make a showing that the proposed use is similar to a Permitted Use or Conditional Use, consistent with the purpose of the zoning district in which the proposed use will be located, compatible with surrounding uses, and conforms to the Comprehensive Land Use Plan. The Zoning Administrator shall determine if the Conditional Use Permit Application is complete and then submit the Application for consideration by the Planning Commission. If the use is of a commercial nature and proposed for a residential zoning district (Rural Residential or Farm Residential), the Planning Commission shall hold a public hearing, evaluate the Application under the criteria in Article 21, and submit a report of its finding and recommendations to the County Board. The County Board shall hold a public hearing, evaluate the Application under the criteria in Article 21, consider the Planning Commission's report, and act on the Application.

On 10/12/2016 the Planning Commission/Board of Adjustment unanimously majority vote

APPROVED AMENDED DENIED a Conditional Use for: boat/camper storage for up to

30 units in accordance with the findings of fact, conclusions of law, resolution & order

[description of conditional use and conditions or reasons for denial]

Chairperson – Itasca County Planning Commission/Board of Adjustment

DECISION

On _____ the County Board of Commissioners, unanimously/ majority vote

APPROVED AMENDED DENIED a Conditional Use for: _____

[description of conditional use and conditions or reasons for denial]

Chairperson – Itasca County Board of Commissioners

Approval includes the findings of fact and compliance with all County, State and Federal Rules, Regulations and Statutes as required by law. In accordance with Section 18.4.1 of the Zoning Ordinance, any aggrieved person may obtain judicial review by obtaining a writ of certiorari from Court of Appeals within 60 days after receipt of due notice of the proceeding and decision sought to be reviewed and by serving said writ upon the Itasca County Auditor and any other adverse party within such period of 60 days.

PCBA 01b

Conditional Use Application –Uses Not Provided for Within Zoning Districts

C:PCBA, CB

INTERPRETATION:

The proposed use will be for boat/camper storage for up to 30 units. The parcel is zoned Farm Residential.

ZONING ORDINANCE (Effective 3/15/2016):

Section 2.5 Uses Not Provided for Within Zoning Districts

When a land use in any zoning district is not specifically listed as a Permitted Use or Conditional Use, the land use may be considered as a Conditional Use. The applicant shall make a showing that the proposed use is similar to a Permitted Use or Conditional Use, consistent with the purpose of the zoning district in which the proposed use will be located, compatible with surrounding uses, and conforms to the Comprehensive Land Use Plan. The Zoning Administrator shall determine if the Conditional Use Permit application is complete and then submit the application for consideration by the Planning Commission. The application shall be accompanied by the appropriate fee for a Conditional Use Permit. If the use is of a commercial nature and proposed for a residential zoning district (Rural Residential or Farm Residential), the Planning Commission shall hold a public hearing, evaluate the application under the criteria in Article 21, and submit a report of its finding and recommendations to the County Board. The County Board shall hold a public hearing, evaluate the application under the criteria in Article 21, consider the Planning Commission's report, and act on the application. A notice of extension of the 60-day time deadline requirement of Minn. Stat. 15.99 shall be provided if necessary.

REQUEST OF APPLICANT FOR INTERPRETATION:

Attachment: Conditional Use Permit (CUP) application submitted on 9/22/2016 by Chad & Margie Schumacher for Part of Lot 2 and Part of NE SE, Section 9, Deer River Township 56-27, PINs 11-009-4203 and 11-009-4100.

Based on the Conditional Use Permit application and the following my determination is that the proposed commercial boat/camper would be appropriate for conditional use.

- Similar requests for Conditional Use Permits have been granted by the County Board and Planning Commission; and
- Conditional Use Permits are intended for uses that would not be appropriate generally or without restrictions through the zoning district, but which are controlled as to number, area, location with the neighborhood, and other pertinent considerations would not be injurious to the public health, safety, welfare, morals order, appearance, prosperity, or general welfare thereof. Such uses may be granted by issuance of Conditional Use Permits by the Planning Commission.

Signed: 
Dan Swenson, Environmental Services Director

9-23-16
Date

NOTE: This document shall be attached to the Conditional Use application.

COPY: File, Schumacher, PC/BoA

PCBA o/c
C: PCBA, CB

Diane Nelson

From: larry.nixon4@gmail.com on behalf of Larry Nixon <lanixon@paulbunyan.net>
Sent: Thursday, October 06, 2016 11:53 AM
To: Diane Nelson
Cc: Brenda Johanneck; Roger & Audrey Moede; Terry Greenside; Deer River Township
Subject: Chad Schumacher Conditional use permit

Deer River Township Input

The town board does not meet before the hearing, I have discussed the project with each of the three board members individually. Two of them and myself have seen the project site. None of the board members expressed any concern over this conditional use and do not object to it's issuance. I will return the paper comment form but it may not arrive before the hearing date.

--
Larry Nixon, Town Clerk
218 246-2181 home
218 398-0566 cell

PCBA Old
C:CB

In Re: FINDINGS OF FACT/CONCLUSIONS OF LAW
RESOLUTION AND ORDER

The Conditional Use Permit (CUP) submitted by: Chad & Margie Schumacher, 538 4th St. SE, Deer River, MN
56636

Location of Property: 43532 Deer Point Rd., Deer River, MN 56636

Part of Lot 2 and part of NE SE, Section 9, Deer River Township 56-27

Parcel #11-009-4203: THAT PT OF LOT 2 DESC AS FOLL: COMM AT SW CORNER OF LOT 2; TH N 00 DEG 25' 52" W, ASSIGNED BEARING, ALG THE W LINE OF SAID LOT 2, A DIST OF 1786.89' TO E 1/4 CORNER OF SEC 25 & THE POB OF THE TRACT TO BE HEREIN DESC; TH N 81 DEG 42' 13" E 60'; TH N 58 DEG 21' 58" E 160'; TH N 73 DEG 00' 58" E 440.55' TO THE E LINE OF SAID LOT 2; TH N 00 DEG 39' 52" W ALG SAID E LINE 624.98' TO THE NE CORNER OF LOT 2; TH N 89 DEG 34' 41" W, ALG THE N LINE OF SAID LOT 2, A DIST OF 608.59' TO THE NW CORNER OF SAID LOT 2; TH S 00 DEG 04' 32" W ALG SAID W LINE OF LOT 2, A DIST OF 850.69' TO POB

Parcel #11-009-4100: THAT PART OF NE SE DESC AS FOLLOWS: COMM AT THE SW CORNER OF LOT 2; TH N 00 DEG 25' 52" W ASSIGNED BEARING, ALG THE W LINE OF LOT 2 A DIST OF 1786.89 FT TO THE E QUARTER CORNER OF SECT 25; TH N 81 DEG 42' 13" E 60 FT; TH N 58 DEG 21' 58" E 160 FT; TH N 73 DEG 00' 58" E 440.55 FT TO THE W LINE OF NE SE & THE POB OF THE TRACT TO BE HEREIN DESC; TH N 61 DEG 30' 51" E 259.95'; TH N 76 DEG 07' 12" E 190'; TH N 89 DEG 20' 27" E 125'; TH N 00 DEG 39' 33" W 450' TO THE N LINE OF SAID NE SE; TH N 89 DEG 34' 41" W, ALG SAID N LINE, 540.00' TO THE NW CORNER OF SAID NE SE; TH S 00 DEG 39' 52" E, ALG SAID W LINE OF THE NE SE 624.98' TO POB.

This matter came before the Itasca County Planning Commission/Board of Adjustment (PC/BoA), for public hearing, at their regular meeting on 10/12/2016 with Chad & Margie Schumacher being present as representatives. In addition to Board Members Tanner, Kortekaas, Butterfield, Bellomy, also present was Dan Swenson, Environmental Services Director. Upon the records, files and proceedings herein, the Board makes the following:

FINDINGS OF FACT

1. The parcels are:
 - a. A total of 16.60 acres in area;
 - b. Borders Deer Point Rd.;
 - c. Zoned Farm Residential;
 - d. Non-shoreland;
 - e. Located in Deer River Township T56-R27, Commissioner District #1.
2. On 9/22/2016, Chad & Margie Schumacher submitted a CUP application for boat/camper storage for up to 30 units. The boats and campers will be stored inside a 60'x120' pole building.
3. Boat/camper storage is a CU as per Section 2.5 (or Section), Uses not provided for within zoning districts, and the applicant must show that the proposed use is:
 - similar to a permitted use or CU consistent with the purpose of the zoning district in which the proposed use will be located,

Findings of Fact, Conclusions of Law, Order & Resolution for Chad & Margie Schumacher
CUP for boat/camper storage, Deer River Township 56-27

PCBA 10
C=CB

- compatible with the surrounding uses and
- conforms to the comprehensive land use plan.

If the CU is of a commercial nature and proposed for a residential zoning district (Rural Residential or Farm Residential), the Planning Commission shall hold a public hearing, evaluate the Application under the criteria in Article 21, and submit a report of its finding and recommendations to the County Board. The County Board shall hold a public hearing, evaluate the Application under the criteria in Article 21, consider the Planning Commission's report, and act on the Application.

4. The proposed use is consistent with the existing neighborhood, and the purpose statement of the Farm Residential District per Section 6.1 which is to implement the following goals including those contained in the Itasca County Comprehensive Land Use Plan:
 - 6.1.1 To protect and promote the continuation of rural living, farming, and forestry in areas of Itasca County that have historically contained these uses and, therefore, have developed compatible residential patterns and transportation infrastructure;
 - 6.1.2 To permit primarily agriculture and forestry land uses and activities;
 - 6.1.3 To separate agricultural and forestry land uses and activities from incompatible residential, commercial, industrial development, and public facilities;
 - 6.1.4 To achieve the goals of growth management, natural resource protection, and economic diversity as stated in the Itasca County Comprehensive Land Use Plan; and
 - 6.1.5 To maintain agricultural and forest land in sufficient size tracts for economic operations.
5. Per Section 21.3.2, a Conditional Use Permit may be granted only upon finding all of the following:
 - A. The use conforms to the Comprehensive Land Use Plan of the County;
 - B. The use is compatible with the existing neighborhood;
 - C. The use shall not materially adversely impact air quality and water quality;
 - D. The use shall not cause soil disturbance;
 - E. The site has sufficient access for ingress and egress;
 - F. The site is adequate for water supply and sewage treatment; and
 - G. The use shall not cause unsafe or unhealthy conditions.
6. Per the Comprehensive Land Use Plan, the Commercial/Industrial Goal encourages the retention and expansion of existing business and industries, and the development of new businesses and industries.
7. Mitigation practices on the CUP application do not apply as property is non-shoreland.
8. On 8/19/2016, Permit #160543 was issued for construction of a 60'x120' pole building on Parcel #11-009-4100.
9. The MPCA requirement to obtain a General Storm Water Permit prior to construction activity (clearing, grading and excavation activities) that results in the disturbance of one acre or more is the applicants' responsibility.
10. The project shall not cause unsafe or unhealthy conditions as it will meet all zoning requirements. Since building will not be open to the public, handicap accessibility is not required.
11. As required in Article 18, notice of the 10/12/2016 PC/BoA hearing and 10/18/2016 County Board hearing was sent to property owners within ¼ mile of the affected properties, SWCD, DNR and Deer River Township Clerk on 9/22/2016 for their information and comment.

Findings of Fact, Conclusions of Law, Order & Resolution for Chad & Margie Schumacher
CUP for boat/camper storage, Deer River Township 56-27

PCBA 100

C:CB

12. Notice of the 10/12/2016 site inspection and public hearing appeared in the 9/28/2016 issue of *The Grand Rapids Herald Review* and the 9/29/2016 issue of the *Western Itasca Review*.
13. The County Board will conduct their public hearing on 10/18/2016 during their work session in the County Board Room of the Courthouse and the meeting begins at 2:30 p.m. Notice of said hearing appeared in the 10/05/2016 issue of the *Grand Rapids Herald Review* and the 10/06/2016 issue of the *Western Itasca Review*.
14. Per Minnesota Statute 15.99, the 60-day timeline shall expire on 11/21/2016.
15. On 10/06/2016, an email was received from the Deer River Township clerk which commented that Deer River Township has no concerns/objection to the CUP.
16. The site was viewed by the Planning Commission/BOA (less Member Malmquist) on 10/12/2016 in the morning prior to the hearing.
17. If said conditional use is approved, it shall be the responsibility of the applicant to notify the Environmental Services Department upon completion of the project including any conditions. The property may be inspected at any time to ensure and affirm all conditions and terms of the permit are in compliance.
18. The record consists of:
 - PCBA 01- Conditional Use application submitted 9/22/2016 and interpretation (4 pages);
 - PCBA 02- Site Plan/Map;
 - PCBA 03- Notice dated 9/22/2016 to Chad Schumacher;
 - PCBA 04- Notice dated 9/22/2016 Deer River Township clerk;
 - PCBA 05- Notice dated 9/22/2016 to affected property owners; list of affected property owners; parcel map; plat book map (4 pages);
 - PCBA 06- Conditional Use Order and complete legal description-Exhibit A (2 pages);
 - PCBA 07- Staff Report dated 10/06/2016 (3 pages);
 - PCBA 08- CUP Criteria Forms completed by the PC/BoA members (4 pages);

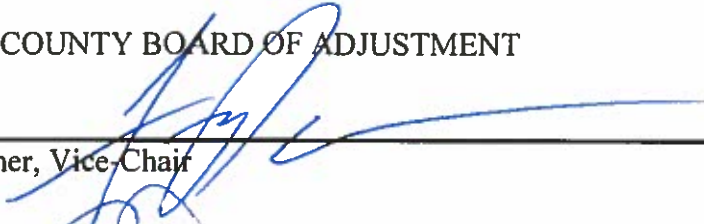
FROM THE FOREGOING FINDINGS OF FACT, the Board makes the following:
CONCLUSIONS OF LAW

1. The conditional use application should be approved pursuant to Sections 21.3 of the Zoning Ordinance because:
 - A. The use conforms to the Comprehensive Land Use Plan (CLUP) of the County as new businesses are allowed and encouraged; there is a need for storage businesses; there are other businesses and storage buildings in the area;
 - B. The use is compatible with the existing neighborhood as it will be located in a primarily vacant, rural area with several farms but no nearby residences; there are other large storage buildings/barns in the area;
 - C. The proposed use will not materially adversely impact air quality, water quality or cause soil disturbance since there will be no onsite service work; no water/septic and no negative impacts are anticipated;
 - D. There is sufficient access for ingress and egress and adequate water supply and sewage treatment—there is no public access and the existing entrance is adequate with good visibility; there will be no water or septic;
 - E. The use will not cause unsafe or unhealthy conditions as the use will be for storage only—there will be no onsite service work and no negative impacts are anticipated.

RESOLUTION

NOW THEREFORE, Bellomy/Butterfield motioned to recommend approval of the CUP application submitted by Chad & Margie Schumacher for boat/camper storage for up to 30 units as set forth in the 10/06/2016 staff report. Motion carried unanimously.

ITASCA COUNTY BOARD OF ADJUSTMENT


Fred Tanner, Vice-Chair


Date

ATTEST:


Dan Swenson, Environmental Services Director


Date

Chad & Margie Schumacher/CUP– Part of Lot 2 and Part of NE SE, Section 9, Deer River Township 56-27, have submitted a Conditional Use Permit (CUP) application for boat/camper storage for up to 30 units. Mr. Swenson entered the staff report dated 10/06/2017 into the record, a copy of which has been distributed to the PC/BoA and applicants. Chad & Margie Schumacher were present and discussed their proposed plan and noted there would be no mechanical/service work on site and the storage building will have electricity but no water/sewer. Bellomy/Butterfield motioned to close the public portion of the meeting which carried unanimously.

Motion: Bellomy/Butterfield to recommend approval of the CUP application submitted by Chad & Margie Schumacher for boat/camper storage for up to 30 units as set forth in the 10/06/2016 staff report. Motion carried unanimously.

Mr. Swenson explained the appeal process and final processing of the CUP to the representatives.

As per Section 2.5 of the Zoning Ordinance, since this CUP is of a commercial nature and proposed for a residential zoning district, the Planning Commission will make their recommendation to the County Board who will act on the application after holding a public hearing scheduled for 10/18/2016.

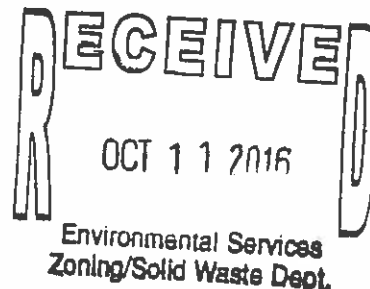
Water Plan Implementation Committee (WPIC) Report. Member Butterfield reported that it has been requested that the full update on the Itasca County Water Management Plan be extended until of March 2020 in order to allow ongoing studies to be completed. He also mentioned there are vacancies on various boards/committees and if anyone is interested to see Amanda Schultz or the County website for more information.

There being no further business, a motion was made by Butterfield/Kortekaas to adjourn the meeting at 10:56 a.m. and motion carried unanimously.

By: Diane Nelson
Diane Nelson, Recording Secretary

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
) ss.
COUNTY OF ITASCA)



Mark Roy, being first duly sworn, on oath states as follows:

- 1. I am the Publisher of the Grand Rapids Herald Review, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows:

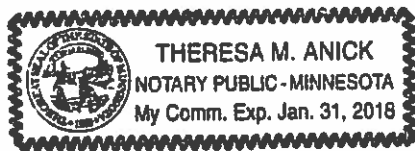
Wednesday, October 5, 2016

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: \$2.00 per 1-col line.

5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Itasca County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

[Handwritten signature of Mark Roy] [Signature]



Subscribed and sworn to before me on this 5th day of October 2016.

[Handwritten signature of Theresa M. Anick]
Notary Public



PCBA 11
C:CB

11-009-4100

11-225-1100

11-009-1201
ALLISON, DEAN E & KELLY A

11-009-1400
ALLISON, DEAN E & KEI

11-225-1400
THARALDSON, SANDRA

SCHUMACHER, CHAD E & MARGIE L
11-009-1203

11-009-1100
SCHUMACHER, CHAD E & MARGIE L



Deer Point Rd

Ca Rd 128

PAUL, DENNIS T
11-009-4102

BOX, MA
11-

SUNDIN, JEFFREY & JANE
11-009-4200

PEDERSON, EVAN
11-225-4100

BOX, MARK A & LISA
11-009-4401

BRINK, RICHARD F & LORI M
11-009-4202

BRINK, RICHARD F & LORI M
11-009-4400

METKE, ROBERT & MARY
11-009-4402

ADKINS, PETER W & JEAN C TRUSTEES
11-009-4201



PCBA 02
C: PCBA, CB

STAFF REPORT
ITASCA COUNTY PLANNING COMMISSION AND BOARD OF ADJUSTMENT

IN RE: **Application of:** Chad & Margie Schumacher, 538 4th St. SE, Deer River, MN 56636

Location of Property / Parcel #: 43532 Deer Point Rd., Deer River, MN 56636

Part of Lot 2 and part of NE SE, Section 9, Deer River Township 56-27

Parcel #11-009-4203: THAT PT OF LOT 2 DESC AS FOLL: COMM AT SW CORNER OF LOT 2; TH N 00 DEG 25' 52" W, ASSIGNED BEARING, ALG THE W LINE OF SAID LOT 2, A DIST OF 1786.89' TO E 1/4 CORNER OF SEC 25 & THE POB OF THE TRACT TO BE HEREIN DESC; TH N 81 DEG 42' 13" E 60'; TH N 58 DEG 21' 58" E 160'; TH N 73 DEG 00' 58" E 440.55' TO THE E LINE OF SAID LOT 2; TH N 00 DEG 39' 52" W ALG SAID E LINE 624.98' TO THE NE CORNER OF LOT 2; TH N 89 DEG 34' 41" W, ALG THE N LINE OF SAID LOT 2, A DIST OF 608.59' TO THE NW CORNER OF SAID LOT 2; TH S 00 DEG 04' 32" W ALG SAID W LINE OF LOT 2, A DIST OF 850.69' TO POB

Parcel #11-009-4100: THAT PART OF NE SE DESC AS FOLLOWS: COMM AT THE SW CORNER OF LOT 2; TH N 00 DEG 25' 52" W ASSIGNED BEARING, ALG THE W LINE OF LOT 2 A DIST OF 1786.89 FT TO THE E QUARTER CORNER OF SECT 25; TH N 81 DEG 42' 13" E 60 FT; TH N 58 DEG 21' 58" E 160 FT; TH N 73 DEG 00' 58" E 440.55 FT TO THE W LINE OF NE SE & THE POB OF THE TRACT TO BE HEREIN DESC; TH N 61 DEG 30' 51" E 259.95'; TH N 76 DEG 07' 12" E 190'; TH N 89 DEG 20' 27" E 125'; TH N 00 DEG 39' 33" W 450' TO THE N LINE OF SAID NE SE; TH N 89 DEG 34' 41" W, ALG SAID N LINE, 540.00' TO THE NW CORNER OF SAID NE SE; TH S 00 DEG 39' 52" E, ALG SAID W LINE OF THE NE SE 624.98' TO POB.

For (Permit Type/Use): Conditional Use Permit (CUP) application for boat/camper storage for up to 30 units

The Planning Commission and Board of Adjustment (PC/BoA) members were provided a copy of this staff report on 10/06/2016 prepared by the Environmental Services Department in reference to this CUP application. The applicant also received a copy of the staff report. Among other things, this report sets forth the applicable criteria in the Itasca County Ordinance for CUP approval that would apply to the review of a CUP application by the PC/BoA.

The above entitled matter came before the Itasca County Planning Commission and Board of Adjustment at their regular meeting on 10/12/2016 and the record consists of:

- PCBA 01- Conditional Use application submitted 9/22/2016 and interpretation (4 pages);
- PCBA 02- Site Plan/Map;
- PCBA 03- Notice dated 9/22/2016 to Chad Schumacher;
- PCBA 04- Notice dated 9/22/2016 Deer River Township clerk;
- PCBA 05- Notice dated 9/22/2016 to affected property owners; list of affected property owners; parcel map; plat book map (4 pages);
- PCBA 06- Conditional Use Order and complete legal description-Exhibit A (2 pages);

APPLICATION AND ZONING INFORMATION:

The references and definitions in this report are from the Itasca County Zoning Ordinance (Effective 3/15/2016).

1. The parcels are:
 - a. A total of 16.60 acres in area;
 - b. Borders Deer Point Rd.;
 - c. Zoned Farm Residential;
 - d. Non-shoreland;
 - e. Located in Deer River Township T56-R27, Commissioner District #1.

2. On 9/22/2016, Chad & Margie Schumacher submitted a CUP application for boat/camper storage for up to 30 units. The boats and campers will be stored inside a 60'x120' pole building.

Staff Report: CU for boat/camper storage for Chad & Margie Schumacher,
T56 R27,

PCBA 07
C:CB, PCBA

3. Boat/camper storage is a CU as per Section 2.5 (or Section), Uses not provided for within zoning districts, and the applicant must show that the proposed use is:
 - similar to a permitted use or CU consistent with the purpose of the zoning district in which the proposed use will be located,
 - compatible with the surrounding uses and
 - conforms to the comprehensive land use plan.
 If the CU is of a commercial nature and proposed for a residential zoning district (Rural Residential or Farm Residential), the Planning Commission shall hold a public hearing, evaluate the Application under the criteria in Article 21, and submit a report of its finding and recommendations to the County Board. The County Board shall hold a public hearing, evaluate the Application under the criteria in Article 21, consider the Planning Commission's report, and act on the Application.
4. The proposed use is consistent with the existing neighborhood, and the purpose statement of the Farm Residential District per Section 6.1 which is to implement the following goals including those contained in the Itasca County Comprehensive Land Use Plan:
 - 6.1.1 To protect and promote the continuation of rural living, farming, and forestry in areas of Itasca County that have historically contained these uses and, therefore, have developed compatible residential patterns and transportation infrastructure;
 - 6.1.2 To permit primarily agriculture and forestry land uses and activities;
 - 6.1.3 To separate agricultural and forestry land uses and activities from incompatible residential, commercial, industrial development, and public facilities;
 - 6.1.4 To achieve the goals of growth management, natural resource protection, and economic diversity as stated in the Itasca County Comprehensive Land Use Plan; and
 - 6.1.5 To maintain agricultural and forest land in sufficient size tracts for economic operations.
5. Per Section 21.3.2, a Conditional Use Permit may be granted only upon finding all of the following:
 - A. The use conforms to the Comprehensive Land Use Plan of the County;
 - B. The use is compatible with the existing neighborhood;
 - C. The use shall not materially adversely impact air quality and water quality;
 - D. The use shall not cause soil disturbance;
 - E. The site has sufficient access for ingress and egress;
 - F. The site is adequate for water supply and sewage treatment; and
 - G. The use shall not cause unsafe or unhealthy conditions.
6. Per the Comprehensive Land Use Plan, the Commercial/Industrial Goal encourages the retention and expansion of existing business and industries, and the development of new businesses and industries.
7. Mitigation practices on the CUP application do not apply as property is non-shoreland.
8. On 8/19/2016, Permit #160543 was issued for construction of a 60'x120' pole building on Parcel #11-009-4100.
9. The MPCA requirement to obtain a General Storm Water Permit prior to construction activity (clearing, grading and excavation activities) that results in the disturbance of one acre or more is the applicants' responsibility.
10. The project shall not cause unsafe or unhealthy conditions as it will meet all zoning requirements. Since building will not be open to the public, handicap accessibility is not required.
11. As required in Article 18, notice of the 10/12/2016 PC/BoA hearing and 10/18/2016 County Board hearing was sent to property owners within ¼ mile of the affected properties, SWCD, DNR and Deer River Township Clerk on 9/22/2016 for their information and comment.
12. Notice of the 10/12/2016 site inspection and public hearing appeared in the 9/28/2016 issue of *The Grand Rapids Herald Review* and the 9/29/2016 issue of the *Western Itasca Review*.

Staff Report: CU for boat/camper storage for Chad & Margie Schumacher,
T56 R27,

Printed 10/06/2016

Page 2 of 3

PCBA o7a
C: CB, PCBA

13. The County Board will conduct their public hearing on 10/18/2016 during their work session in the County Board Room of the Courthouse and the meeting begins at 2:30 p.m. Notice of said hearing appeared in the 10/05/2016 issue of the *Grand Rapids Herald Review* and the 10/06/2016 issue of the *Western Itasca Review*.
14. Per Minnesota Statute 15.99, the 60-day timeline shall expire on 11/21/2016.
15. On 10/06/2016, an email was received from the Deer River Township clerk which commented that Deer River Township has no concerns/objection to the CUP.
16. The site was viewed by the Planning Commission/BOA on 10/12/2016 in the morning prior to the hearing.
17. If said conditional use is approved, it shall be the responsibility of the applicant to notify the Environmental Services Department upon completion of the project including any conditions. The property may be inspected at any time to ensure and affirm all conditions and terms of the permit are in compliance.

BY: *Diane Nelson*
Environmental Services Department

CRITERIA NECESSARY FOR THE GRANTING OF A CONDITIONAL USE PERMIT (CUP)

RE: Applicant *Chad Schumacher, 538 4th St. SE, Deer River, MN 56636*

Proposed Use: *Storage building plus storage for up to 30 boats and campers for a fee.*
Township/Range *56-27*

A CUP MAY BE GRANTED ONLY UPON FINDING ALL OF THE FOLLOWING:

1. The use conforms to the comprehensive plan of the County.

Yes, new business is allowed & encouraged

2. The use is compatible with the existing neighborhood.

Yes, rural setting, no nearby residences

3. The use shall not materially adversely impact air quality, water quality or cause soil disturbance.

shall not, simple pole building

4. The site has sufficient access for ingress and egress and is adequate for water supply and sewage treatment.

Yes, adequate entrance water & sewage N/A

5. The use shall not cause unsafe or unhealthy conditions.

shall not

■ When in the opinion of the Planning Commission/BoA (PC/BoA), a CUP may result in a material adverse effect on the environment, the applicant may be requested by the PC/BoA to demonstrate the nature and extent of the effect and to demonstrate methods for mitigating or minimizing the adverse effects.

PCBA 08
C:CB

M. Belmont
10/12/16

CRITERIA NECESSARY FOR THE GRANTING OF A CONDITIONAL USE PERMIT (CUP)

RE: Applicant Chad Schumacher, 538 4th St. SE, Deer River, MN 56636

Proposed Use: Storage building plus storage for up to 30 boats and campers for a fee.
Township/Range 56-27

A CUP MAY BE GRANTED ONLY UPON FINDING ALL OF THE FOLLOWING:

1. The use conforms to the comprehensive plan of the County. *yes there are other businesses/storage in the area. Need for storage, both public + private.*
2. The use is compatible with the existing neighborhood. *Mostly vacant land in the area, with other storage buildings/barns. ^{yes}*
3. The use shall not materially adversely impact air quality, water quality or cause soil disturbance. *No impact, cold storage only. No service work on site.*
4. The site has sufficient access for ingress and egress and is adequate for water supply and sewage treatment. *yes. no public access.*
5. The use shall not cause unsafe or unhealthy conditions. *cold storage only, no service work done here.*

■ When in the opinion of the Planning Commission/BoA (PC/BoA), a CUP may result in a material adverse effect on the environment, the applicant may be requested by the PC/BoA to demonstrate the nature and extent of the effect and to demonstrate methods for mitigating or minimizing the adverse effects.

10/02/2016

PCBA 080
C:CB

David D. Butcher

CRITERIA NECESSARY FOR THE GRANTING OF A CONDITIONAL USE PERMIT (CUP)

RE: Applicant *Chad Schumacher, 538 4th St. SE, Deer River, MN 56636*

Proposed Use: *Storage building plus storage for up to 30 boats and campers for a fee.*
Township/Range *56-27*

A CUP MAY BE GRANTED ONLY UPON FINDING ALL OF THE FOLLOWING:

1. The use conforms to the comprehensive plan of the County.

yes building up his Business

2. The use is compatible with the existing neighborhood.

*yes there is one business
that is a few miles away
Rest is All Farms*

3. The use shall not materially adversely impact air quality, water quality or cause soil disturbance.

*no impact because there are no water or
septic service is done at customers
site*

4. The site has sufficient access for ingress and egress and is adequate for ~~water supply and~~ sewage treatment.

yes new drive way

5. The use shall not cause unsafe or unhealthy conditions.

no not doing any service on site

■ When in the opinion of the Planning Commission/BoA (PC/BoA), a CUP may result in a material adverse effect on the environment, the applicant may be requested by the PC/BoA to demonstrate the nature and extent of the effect and to demonstrate methods for mitigating or minimizing the adverse effects.

Richard Kostka

10/12/16

*PCBA 086
C:CB*

10/12/16
CRITERIA NECESSARY FOR THE GRANTING OF A CONDITIONAL USE PERMIT (CUP)

RE: Applicant Chad Schumacher, 538 4th St. SE, Deer River, MN 56636
Proposed Use: Storage building plus storage for up to 30 boats and campers for a fee.
Township/Range 56-27

A CUP MAY BE GRANTED ONLY UPON FINDING ALL OF THE FOLLOWING:

1. The use conforms to the comprehensive plan of the County.

Yes - Again Rural Use in County

2. The use is compatible with the existing neighborhood.

Yes Country Setting - off road rural setting
Large Bldg's in Area -

3. The use shall not materially adversely impact air quality, water quality or cause soil disturbance.

No H₂O/Kawar at this time Dry Storage

No MAINT will be Done

4. The site has sufficient access for ingress and egress and is adequate for water supply and sewage treatment.

Yes one Access Good Usability

5. The use shall not cause unsafe or unhealthy conditions.

No - Basically Dry Storage

■ When in the opinion of the Planning Commission/BoA (PC/BoA), a CUP may result in a material adverse effect on the environment, the applicant may be requested by the PC/BoA to demonstrate the nature and extent of the effect and to demonstrate methods for mitigating or minimizing the adverse effects.

PCBA 08C
C:CB

Frederick
10/12/16

CRITERIA NECESSARY FOR THE GRANTING OF A CONDITIONAL USE PERMIT (CUP)

RE: Applicant *Chad Schumacher, 538 4th St. SE, Deer River, MN 56636*
Proposed Use: *Storage building plus storage for up to 30 boats and campers for a fee.*
Township/Range *56-27*

A CUP MAY BE GRANTED ONLY UPON FINDING ALL OF THE FOLLOWING:

1. The use conforms to the comprehensive plan of the County.
The Planning Commission found the use conforms to the CLUP as new businesses are allowed and encouraged; there is a need for storage businesses; there are other businesses and storage buildings in the area.
2. The use is compatible with the existing neighborhood.
The Planning Commission found the use is compatible with the existing neighborhood as it will be located in a primarily vacant, rural area with several farms but no nearby residences; there are other large storage buildings/barns in the area.
3. The use shall not materially adversely impact air quality, water quality or cause soil disturbance.
The Planning Commission found the use will not adversely impact air or water quality or cause soil disturbance since there will be no onsite service work; no water or septic and no negative impacts are anticipated.
4. The site has sufficient access for ingress and egress and is adequate for water supply and sewage treatment.
The Planning Commission found there is sufficient access since there will be no public access and the existing entrance is adequate with good visibility; there will be no water or septic.
5. The use shall not cause unsafe or unhealthy conditions.
The Planning Commission found the use will not cause unsafe or unhealthy conditions as the use will be for storage only--there will be no onsite service work and no negative impacts are anticipated.

■ When in the opinion of the Planning Commission/BoA (PC/BoA), a CUP may result in a material adverse effect on the environment, the applicant may be requested by the PC/BoA to demonstrate the nature and extent of the effect and to demonstrate methods for mitigating or minimizing the adverse effects.

ADDENDUM TO CRITERIA NECESSARY FOR THE GRANTING OF A CONDITIONAL USE

1)

2)

3)

4)

5)

C:CB